

**BRIGHAM CITY PLANNING COMMISSION MEETING
TUESDAY, FEBRUARY 20, 2007 – 6:30 PM
BRIGHAM CITY COUNCIL CHAMBERS**

PRESENT:	Kevin Lane	Chairman
	Patti Ellis	Commissioner
	David Hipp	Commissioner
	Bill McGaha	Commissioner
	Joan Peterson	Commissioner
	Barbara Poelman	Commissioner
CITY STAFF:	Mark Teuscher	City Planner
EXCUSED:	Steve Hill	City Council Liaison
	Reese Nielsen	Vice-Chairman
	Miles Brown	Alternate
	Eliza McGaha	Administrative Secretary

AGENDA

WORK SESSION – AGENDA REVIEW

REGULAR MEETING

PLEDGE OF ALLEGIANCE

PLEDGE OF ALLEGIANCE

~~APPROVAL OF THE FEBRUARY 06, 2007 WORK SESSION MINUTES AND REGULAR MEETING MINUTES~~

APPLICATION #2851 / PUBLIC HEARING / CONDITIONAL USE PERMIT – NUCOR MANUFACTURING FACILITY / 1050 NORTH WATERY LANE / NUCOR BUILDING SYSTEMS

APPLICATION #2897 / PUBLIC HEARING / CONDITIONAL USE PERMIT – AIRPORT MASTER PLAN / BRIGHAM CITY CORPORATION

APPLICATION #2798 / PEDESTRIAN SIDEWALK MASTER PLAN / BRIGHAM CITY CORPORATION

APPLICATION #2882 / ZONING ORDINANCE REWRITE / BRIGHAM CITY CORPORATION

PUBLIC INPUT:

DISCUSSION:

REGULAR MEETING

Chairman Lane opened the meeting at 6:30 p.m. Commissioner McGaha led the Pledge of Allegiance.

The minutes were unavailable for approval.

MOTION: A motion was made by Commissioner Poelman to strike the approval of the February 06, 2007 work session and regular meeting minutes from the agenda. The motion was seconded by Commissioner Peterson and passed unanimously.

APPLICATION #2851 / PUBLIC HEARING / CONDITIONAL USE PERMIT – NUCOR MANUFACTURING FACILITY / 1050 NORTH WATERY LANE / NUCOR BUILDING SYSTEMS

MOTION: A motion was made by Commissioner Peterson to open the public hearing for application #2851. The motion was seconded by Commissioner Poelman and passed unanimously.

There was no public input.

MOTION: A motion was made by Commissioner Hipp to close the public hearing for application #2851. The motion was seconded by Commissioner Peterson and passed unanimously.

This is the final item for Nucor Building Systems at this location. It is a very large unique project. The buildings are basically metal warehouses. The site plan shows where they will deliver steel and where the office will be located. ~~The~~ They will have a railroad spur going through there. There are two entrances and they are in compliance with the parking requirements and distance separation. They have also submitted a landscaping plan. The City will be responsible for installing the curb, gutter and sidewalk as part of the RDA. Nucor will be responsible to landscape it. The proposed landscaping plan shows sidewalk, rock and 2-inch caliper pear trees intermixed through out the entire project. The office building is metal and quite a way off the road. Staff recommends there be some type of wainscot to break up the metal siding which would be consistent with the neighboring facilities.

The applicant did not show for the meeting and Mr. Teuscher recommended continuing this application to give them a chance to comment.

MOTION: A motion was made by Commissioner Poelman to continue application #2851 to the March 06, 2007 meeting due to the fact that the applicant is unable to attend this meeting and address some of the issues the Commission has. The motion was seconded by Commissioner Ellis and passed unanimously.

APPLICATION #2897 / PUBLIC HEARING / CONDITIONAL USE PERMIT – AIRPORT MASTER PLAN / BRIGHAM CITY CORPORATION

Currently the City has an Airport Master Plan, an Airport Layout Plan (APL), which is approved by the FAA. These are the conditions by which the airport operates. Additions to the airport, such as hangars are outlined in the Master Plan. Mr. Teuscher stated that after talking with Blake Fannesbeck, Brigham City Public Works Director/Airport Manager, it was decided to bring the Airport Master Plan to the Planning Commission and have it approved as a conditional use permit (CUP). Then as individual components come in, such as a hangar, they will not be held up by the process of doing a CUP for each one.

MOTION: A motion was made by Commissioner Hipp to open the public hearing for application #2897. The motion was seconded by Commissioner Poelman and passed unanimously.

David Little, owner of Rotational Molding of Utah, came forward and stated that he owns the property between I-15 and the airport. He stated that about 4-years-ago the 80-feet of the property between his and I-15 was purchased by the City. He was awarded the acre towards the north of his property, which is a vacant lot and is fenced. The gate from the airport is south of that piece of property. Mr. Little stated that he made a verbal request to include that acre of ground within the Airport Master Plan (AMP). It was said that piece of property was off the airport and not part of the Airport Master Plan. He also stated that when the AMP was originally going in, they wanted to take his property, not just the back 80-acres. When they found out that he had high pressure gas and the power he had was expensive, they backed off and just took the 80-feet. Mr. Little said that when he was told they were going to close the old road to the airport he built new office buildings in the back to accommodate entry into the back of this property. It has been three years since he was told the road would change and it is a mud hole back there. The haul road was raised about 6-inches and all the drainage is backing up on his property. His concerns with the continuance of the AMP are what the approach is going to be, when the road is going to be finished and what is going to be done about the drainage. One of Mr. Little's buildings is within 1-foot of the easement and he is concerned that he may be required to move his building. The overhang on his building may also encroach upon the easement.

Mr. Teuscher commented that Mr. Little's current buildings would fall into a status of a Legal Nonconforming use. Any future buildings would have to conform to the setbacks. Mr. Little stated that was not what was agreed upon when he agreed they could take the road. Mr. Teuscher replied that any expansion of the building be taken to the Appeal Authority so they could consider it as an expansion of a nonconforming use. If the existing building was enlarged due to increase in manufacturing, the Appeal Authority would take into account the circumstances of having to realign that road. Realignment of the road was partially mandated by the FAA. Mr. Little disagreed and said it was not mandated by the airport but was recommended by Bruce Leonard. There was a concern about the road turning off the freeway too soon. Mr. Teuscher stated that with the current road alignment at that first curve, if there are large vehicles using the current road, they encroach in the approach zone and so the FAA is funding the building of a new road, as a safety precaution. Mr. Little stated that they had to get his property to get that funded and that was four years ago and he is concerned that nothing has happened so far and he is also concerned about what he is going to have to do with that area. Mr. Little stated that he wanted to go on record so it would be known there is a problem there. He said he would do everything he can to help and he is very cooperative as far as the airport is concerned.

Blake Fannesbeck, Brigham City Public Works Director/Airport Manager, came forward and stated that the project is being bid and the entrance road is the final phase of the airport project which will start this spring and completion is

expected this summer. Mr. Little asked what that will do to his ingress and egress and what it will do to the transformers that he uses for power. Mr. Fonnesebeck said he would check into that as he did not recall the transformers as being a part of that. All the drains will be going in, there will be curb and gutter through there. Mr. Fonnesebeck and Mr. Little agreed to sit down and talk.

MOTION: A motion was made by Commissioner Peterson to close the public hearing for application #2897. The motion was seconded by Commissioner Ellis and passed unanimously.

Mr. Fonnesebeck said it will be good to be able to work with the Airport Master Plan/Airport Layout Plan. The Plan shows future FDO hangars, some tie down areas and T-hangars. Applications come through the Airport Advisory Board and there is a design criterion that needs to be met. The criteria from the Airport Advisory Board are generally dealing with the height restrictions and that the colors of the buildings blend in with the existing buildings. They also look at the design and the location of the buildings. Mr. Teuscher explained that Staff would handle individual applications for buildings on an individual basis in relation to their consistency to the Airport Layout Plan. As the APL is updated, those updates will be brought back before the Planning Commission to amend the conditional use to adopt the newest layout plan.

MOTION: A motion was made by Commissioner Ellis to approve application #2897 to include compliance with Chapter 29.06 Conditional Uses and compliance with Staff recommendations and that such use will not under the circumstances of the particular case be detrimental to the health, safety and general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity and such use will be in compliance with Chapter 29.06 Conditional Uses and such use will be in compliance with the Brigham City General Plan. The motion was seconded by Commissioner Poelman and passed unanimously.

APPLICATION #2798 / PEDESTRIAN SIDEWALK MASTER PLAN / BRIGHAM CITY CORPORATION

There are two new sections. These sections include level of review, as requested by the City Council, as to when deferrals will and will not be considered. Mr. Teuscher has broken down the scoring to show anything that scores 10-7 to never be granted a deferral; scores between 6.9-4 will come to the Planning Commission for review; anything below a 3.9 will always be granted a deferral.

The GIS department looked at all the vacant parcels in the City, in the residential areas, and they have been broken down into three categories; which are either smaller or larger than 5-acres. Anything less than 5-acres probably cannot be developed any more than what it already is. Parcels over 5-acres probably will be re-subdivided and developed and at the time of that process curb, gutter and sidewalk will be required. The other categories are those areas where approvals have been made and curb, gutter and sidewalk are required to be put in. There are a total of 88 parcels; of those, 34 are scattered all over the city. These parcels are contentious and it is recommended that these parcels get an automatic deferral. Deferrals will only be for sidewalk. Mr. Teuscher recommended scheduling this for a public hearing.

MOTION: A motion was made by Commissioner Poelman to schedule a public hearing for application #2798 on March 20, 2007 as an appendix to the General Plan. The motion was seconded by Commissioner Ellis and passed unanimously.

APPLICATION #2882 / ZONING ORDINANCE REWRITE / BRIGHAM CITY CORPORATION

All of the uses have been put into one chapter outlining what there is currently. The first six uses in the residential zone are accessory buildings; the descriptions are very broad and hard to understand. There currently are a lot of inconsistencies and they should be refined. The current ordinance was written in 1973 and needs to be updated to be consistent and current with today's standards and expectations. A consultant will be hired to rewrite the ordinance. Every possible use does not need to be listed, however, the uses and conditions that create the most problems and need to be controlled need to be listed such as: outside storage, size of a parcel, liquor consumption, etc. Most of the commercial uses will probably be listed in one category; Retail Sales and Services. Things that have been changed over time will need to be added such as the pizza businesses that are pick up or delivery only with no in-store dining. As a use, those businesses would be classified as a restaurant but they are not the typical restaurant. The table of uses will be refined and brought back to the Planning Commission for approval and then a public hearing scheduled. This will be done in sections. Mr. Teuscher explained the abbreviations of the zones to the Commission. MU – Multiple Use; RR – Rural Residential; GC – General Commercial; CBD – Commercial Business District; MD – Manufacturing Distribution; MG – Manufacturing General.

Commissioner Peterson asked if uses, such as gravel pits which are currently allowed in residential zones, can be changed. Mr. Teuscher said they could be changed.

MOTION: A motion was made by Commissioner Ellis to continue application #2882 to the March 20, 2007 meeting. The motion was seconded by Commissioner Peterson and passed unanimously.

PUBLIC INPUT:

There was no public input.

DISCUSSION:

Chairman Lane noted for discussion that the Planning Commission was on the Committee with Blake for the 2012 projects. Some of the things brought up were business licenses. Judy Loveland is right on top of things with getting people help with starting their business as in who to call and helping them fill out their applications. She really makes it easy for the applicants to sit down with Staff and get things done. Those things are being put online to make things easier. Other things that are going to be online are the impact fees and where they go and what they are used for so people can understand where their money is spent. He said he was quite impressed by what Staff is trying to do and what they offer to help the public.

Commissioner Poelman added that the purpose of the 2012 Vision is to try and have things more friendly between the community and the City and not have the aggravations that occur. If the Commission has any suggestions as to how to handle things differently, this is the conduit to go through to help improve those relations. If there are any suggestions, let Blake, Kevin or Barbara know so they can take those suggestions to those meetings.

Mr. Teuscher stated that one of the problems is the filing deadlines which make Planning Commission meetings too tight. It is almost impossible to get an application done. He is going to propose having a 4-week filing deadline. That will give staff more time to prepare packets for the Staff to review, get their comments back and sent to the City Engineer and will give Staff more time to work with the applicant for a week to iron out any issues that may arise before the packet is mailed out to the Planning Commission. The reason for that is because the current applications will be coming as public hearings. There are different types of public hearings; those that require a 3-day notice and those requiring a 10-day notice. For the 10-day noticing, it is physically impossible to make that deadline as Brigham City has only one paper a week. We have to tell people they have to wait 4-weeks to get on the Planning Commission agenda because we cannot get it to the paper on time. It has been suggested to publish the public hearings in the Standard Examiner but the State law states the public hearing be published in the paper of local distribution. The Standard Examiner is distributed in Brigham City but that would mean we would have to publish in the Box Elder News Journal and the Standard Examiner which still puts the application 4-weeks out because there is not 10-days between the filing deadline and when the next paper comes out. The real problem is that Tom and Jared are getting overrun. Getting them time to sit down and talk with an applicant is near impossible. They are getting so busy they are getting to the point of seldom being in the office to be able to talk to the public. Mark and Jeff do try to address those issues of coordinating the different requirements from different departments on applications. The 2012 Vision group is trying to make the requirements that people have to follow easier to do and make them more informed. The most difficult process is helping people through doing the required things they feel they shouldn't have to do.

MOTION: A motion was made by Commissioner Poelman to adjourn. The motion was seconded by Commissioner Peterson and the motion carried unanimously.

Meeting adjourned at 7:25 p.m.

This certifies that the regular meeting minutes of February 20, 2007 are a true and accurate copy as approved by the Planning Commission on July 17, 2007.

Signed: _____

Jeffery R. Leishman, Secretary